

Exhibit 14

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2 CITY COUNCIL

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CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

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of the

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COMMITTEE ON YOUTH SERVICES

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October 23, 2006

Start: 10:16 a.m.

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Recess: 3:58 p.m.

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City Hall

Council Chamber

13

New York, New York

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B E F O R E:

15

LEWIS FIDLER

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Chairperson,

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COUNCIL MEMBERS:

Alan Gerson

18

Miguel Martinez

Sara Gonzalez

19

Melissa Mark-Viverito

Darlene Mealy

20

Dennis Gallagher

James Oddo

21

Simcha Felder

Bill DeBlasio

22

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LEGAL-EASE COURT REPORTING SERVICES, INC.

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New York, New York 10004

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18 Our first panel of witnesses are all
19 from the Department of Education, from the Public
20 School Athletic League. We have Marty Oestreicher,
21 David Douglas and Eric Goldstein.

22 Gentlemen, as I ask you to testify, I
23 will make the comment I make to every witness who
24 comes before this Committee: Please don't read
25 testimony verbatim. Just speak to us as the high

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2 points and from your heart and mind.

3 Gentlemen.

4 MR. OESTREICHER: I will read a little
5 bit and I will try to ad lib.

6 I just want to thank you, Chairperson
7 Fidler, and the members of the Youth Service
8 Committee for giving me the opportunity to talk to
9 you regarding use of wooden aluminum bats.

10 I'm Marty Oestreicher. I'm Chief
11 Executive for the Office of School Support Services,
12 which oversees the PSAL.

13 I just want to say at the outset of
14 the hearing, Council Member Oddo's strong passionate
15 opening statement, that we feel that the PSAL second
16 to none in our priorities, which is the safety of
17 our kids. For those who don't know, the PSAL is

18 committed to playing over 12,000 games and matches
19 under the safest possible conditions. I have to say
20 our safety record is second to none, and will bow
21 down to no one on that particular issue.

22 I'm extremely proud of our record in
23 this regard, and we believe we have procedures in
24 place to protect our student athletes to the
25 greatest extent possible.

22

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2 We have a vibrant league, the largest
3 in the nation. Thirty-five thousand students from
4 180 high schools, 2,400 teams competing in 44
5 sports, that's boys and girls sports.

6 We play more games in major league
7 baseball than the NFL, the NBA combined. And I think
8 if you check our safety record, you'll see it's
9 quite good.

10 However, we do share the sentiments
11 of the bill's sponsors. Safety for us is number one.
12 And our baseball league does use aluminum bats, and
13 we've been using them for quite awhile. And at this
14 point our safety record in baseball is amazingly
15 low. We have very, very few baseball injuries of any
16 kind or by bats. I hear what the Council Member

17 said, why wait for the first incident to happen. But
18 basically we have an excellent safety record. There
19 has been very few baseball injuries, when you think
20 about the number of kids who play and the very low
21 number of injuries and low number of injuries from
22 batted balls. Nothing close to what you described
23 before.

24 We don't operate independently. We
25 operate under rules of the National Federation of

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2 the State High School Associations, and under the
3 rules of the New York State Association, which is
4 part of that.

5 And we do rely on them for their
6 guidance on these type of issues. We work closely
7 with them. We have sought their advice on the issue.
8 And it is the federation's opinion that aluminum
9 bats do not represent a significantly greater risk
10 than wooden bats.

11 And in our research across the
12 country, very, very few, with very few exceptions,
13 aluminum bats are used by high schools and by
14 colleges.

15 So, you know, the federation in the
16 country, and in State federation, they tell us

17 they've reviewed this very carefully. They have
18 established a ball exit speed ratio, which you've
19 questioned before, but based on their assurances and
20 their studies, we have continued to use the aluminum
21 bats.

22 The State High School, New York State
23 Public High School Association conducted a survey in
24 2004 and '05, and they also reported that the
25 injuries, and they questioned coaches throughout the

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2 State, were very insignificant. Too insignificant to
3 push any sort of a policy change.

4 However, you know, it is true that
5 aluminum bats provide better offense for players at
6 the marginal levels and the good players because
7 their ability to perhaps swing, get around the ball
8 a little better, and get a better hit. But, again,
9 based on what we have learned from the federations
10 and so forth, the overall speeds are not at any
11 level that present a greater danger than wooden
12 bats.

13 Now, the Council Member said those
14 studies are flawed, and influenced by other players,
15 and he calls for an exhaustive study totally neutral

16 and objective, and we will certainly welcome that
17 kind of study, if there is any study or
18 incontrovertible evidence that would point to a
19 danger, a significant danger to our kids, we will be
20 the first to work with the Council towards that.

21 But we are relying somewhat on the
22 studies from the federations. We work with
23 federations, the National Federation, as far as we
24 know, these -- our organizations is dedicated to our
25 kids and students and anyone else and concerned with

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2 their safety as well. And based on their guidance,
3 we have not moved to eliminate the wooden bat.
4 They've told us over and over again that they do not
5 believe this represents a significantly greater
6 threat to our kids.

7 Once again, studies show otherwise,
8 you know, we will take those studies very seriously
9 and we will act accordingly.

10 We believe that, you know, we have a
11 very vibrant baseball league. We have a lot of
12 participation from a lot of kids, some of our kids
13 go to college based on their abilities in baseball,
14 and we believe that it provides the right
15 competitive balance. They get a lot of kids playing.

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2 adopted them. And the purpose of these are to assure
3 that the speed does not exceed what they deem to be
4 --

5 MR. OESTREICHER: This is a measure
6 they took in reaction to some earlier studies --

7 COUNCIL MEMBER GERSON: But, again, if
8 we did our own test, I think Councilman Oddo's point
9 about New York City being a leader rather than a
10 follower is well taken. If we did our own test,
11 that's something we would look into.

12 MR. OESTREICHER: Absolutely.

13 COUNCIL MEMBER GERSON: And lastly,
14 what about safety equipment. If there is this
15 concern for an increase in the -- if there is an
16 admission rather, if there is an increase in the
17 speed coming off of an aluminum bat, and clearly
18 there has got to be to some degree some greater
19 danger with the increase, has there been
20 consideration or evaluation at the high school
21 level? And also, though it's not the subject of the
22 bill, since they do use aluminum bats at the middle
23 school level, or lower ages of implementing greater
24 protective gear equipment, pitchers wearing helmets,
25 or pitchers wearing chest guards, which I understand

18 I think you have a copy of my
19 statement, and I would just like to mention a couple
20 of things about the state of the baseball injuries
21 at this time. And all I'm giving you is factual
22 information.

23 In a ten-year study of Little League
24 Baseball from '87 through '96, the authors found
25 5,882 batted ball injuries. Five-thousand

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2 eight-hundred and eighty-two. Two-thousand
3 one-hundred and forty-two were outfielders, 2,135 to
4 infielders, and 1,022 to pitchers.

5 Now, during that ten-year period of
6 time there were 17 million participants in that
7 little league baseball. The batted ball injury rate
8 was 3.4 injuries per 10,000 participants. There are
9 also 13 fatalities during that ten-year period of
10 time, and one of those was from a batted ball.

11 Now, as a member of the USA Baseball
12 Medical and Safety Advisory Committee, we also
13 looked at catastrophic injuries from the
14 organizations associated with USA baseball which was
15 from youth baseball, all the way through NCAA
16 baseball. And I don't want to mention the word

17 "insignificant," because I know there's not any
18 injuries that are insignificant. But I'm telling you
19 right now what the numbers are. The numbers are low.
20 And when you look at the overall injury rate of 0.11
21 catastrophic injuries, death, permanent disability,
22 serious injury, full recovery, per 100,000
23 participants, and one catastrophic injury for every
24 1 million participants. And I know if that one
25 injury is to Councilman Oddo's son, it's not an

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2 insignificant injury. I realize that. I also collect
3 data on football injuries, and they come across my
4 desk every day. And every day I have to read those
5 articles about those injuries. And I don't feel good
6 about any of them. But I'm collecting the data, and
7 the data is important for the people making
8 decisions on rules and equipment to look at the
9 data.

10 The National Center for Catastrophic
11 Sports Injury Research, which I'm the Director at
12 the University of North Carolina, Chapel Hill,
13 collects catastrophic injury data for high schools
14 and colleges across the country. We started at 1982.
15 We've collected football data since 1931. I've been
16 accused of starting it in 1931, but it actually

17 wasn't me.

18 The football data decreased the
19 number of football deaths from 36 deaths in 1968 to
20 zero deaths in 1990. That was from the collection of
21 data and recommendations on the data.

22 So, the National Center for
23 Catastrophic Sports Injury Research collected
24 baseball injury data from '82, '82, 2003, 2004.
25 College pitchers, four catastrophic batted ball

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2 injuries, one permanent disability injury, and three
3 recovery injury and during that time 500,000
4 participants.

5 High school pitchers, 11 catastrophic
6 batted ball injuries, four disability, permanent
7 disability injuries, five recovery and two were
8 unknown.

9 During that period of time there were
10 9 million participants.

11 Now, we talked before that people
12 were concerned that looking at batted ball injuries
13 from a wood bat, batted ball injuries from the metal
14 bat. There has been no studies looking at the
15 difference between the metal and the wood bat, by